

REMARKS

The Office Action dated June 20, 2002 has been carefully considered and this application has been amended in a manner which it is believed places it in condition for allowance. Accordingly, reconsideration of this application and allowance of all pending claims is respectfully requested.

Although not objected to, the specification has been amended on page 5, paragraph 7 (lines 28-29) to correct a minor typographical error and correctly identify the figure being referenced.

Claims 1-10 are pending in the application. Claims 1-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dvorak (U.S. Pat. No. 5,779,161). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dvorak in view of Williams (U.S. Pat. No. 5,190,225).

Claim 1 has been amended to further clarify the invention and recite that the particles are "agglomerated" particles. As disclosed in the preferred embodiment of the invention, rock salt is the preferred particle which tends to combine and lump together into irregular shapes and sizes. These agglomerated particles are in contrast to the "powdered and granular materials, such as insecticides, fertilizers, and the like" (col. 3, lines 33-35) disclosed by the Dvorak reference. The "powdered and granular materials" cited by Dvorak suggest fine particles that maintain a regular consistency. Similarly, the Williams references discloses a "granular" material (col. 1, line 46). Applicant respectfully submits that one of ordinary skill in the art would not utilize either the Dvorak or Williams devices with agglomerated particles as claimed. In view of the amendment to claim 1, it is respectfully requested that the rejection of claims 1-10 be withdrawn.

Claim 9 has been amended to further recite novel features of the present invention. Claim 9 now recites that the vane impeller strikes the agglomerated particles to break them up into smaller particle sizes, this newly claimed feature being supported in the specification on page 5, paragraph 2 (lines 3-9). This feature is not disclosed in either the Dvorak or Williams references. In fact, the Dvorak and Williams references appear to teach away from this feature since the particles in those references are disclosed as "powdered" or "granular" and dissolution of these particles would appear to be unwarranted. There is absolutely no motivation to modify the

Dvorak and Williams devices to include a vane impeller capable of breaking up agglomerated particles. Therefore, it is respectfully requested that the rejection of claim 9 be withdrawn.

New claims 11 and 12 recite further novel features of the present invention, specifically that the vane impeller impacts the particles to redirect and propel them out of a spreading device and that the agglomerated particles are rock salt. Neither of these features are disclosed in the prior art. Therefore, it is respectfully requested that claims 11 and 12 also be allowed.

In view of the aforementioned amendments and remarks, favorable consideration of this application is respectfully requested, and a Notice of Allowance for claims 1-12 is respectfully requested. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney, so that the present application can receive an early Notice of Allowance.

In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above. Please charge any shortage or credit any overpayment of fees to BLANK ROME COMISKY & McCAULEY LLP, Deposit Account No. 23-2185 (103286-00101).

Respectfully submitted,

Wade Charles Barnett

By: 

Charles R. Wolfe, Jr.
Attorney for Applicant
Reg. No. 28,680

Blank Rome Comisky & McCauley LLP
900 17th Street, N. W.
Suite 1000
Washington, D.C. 20006
Telephone: (202) 530-7400

VERSION WITH MARKINGS TO SHOW CHANGES

In the Specification:

Page 5, paragraph 7 (lines 28-29) has been amended as follows:

--the embodiment of Fig. [3] 4 is preferably lighter than the embodiment of Figs. 1-3, but is similar in function and general construction.--

In the Claims:

1. A hand-portable spreader for blowing agglomerated particles with an air stream, the spreader comprising:
 - a grip;
 - a storage chamber holding [the] agglomerated particles to be spread;
 - an air blower for generating [the] an air stream that carries the agglomerated particles through [;]
 - an air conduit which has [for conducting the air stream;]
 - an orifice between the storage chamber and the air conduit [, through which the particles pass into the air stream];
 - a nozzle downstream of the orifice, from which the air stream and agglomerated particles shoots;
 - wherein a velocity of the air stream in the conduit is sufficient to carry the agglomerated particles from the orifice to the nozzle and be shot therefrom with the air stream.

9. The spreader according to claim 1, wherein the air blower comprises a vane impeller that strike the agglomerated particles to break them into smaller particles prior to being shot out of the nozzle.